



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 12, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Braden, Esquire
Baker & Hostettler
1050 Connecticut Ave., N.W.
Suite 1100
Washington, D.C. 20036-5304

RE: MUR 3774
American Defense Foundation/
American Defense Institute

Dear Mr. Braden:

On August 8, 1995, you were notified that the Federal Election Commission had found reason to believe your client, American Defense Foundation, violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

Pursuant to its investigation of this matter, the Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers requiring your client to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Act.

It is required that your client submit all answers to questions under oath within 30 days of your receipt of this Subpoena and Order. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

maB

Enclosure
Subpoena and Order

202-219-3400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 3774
)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

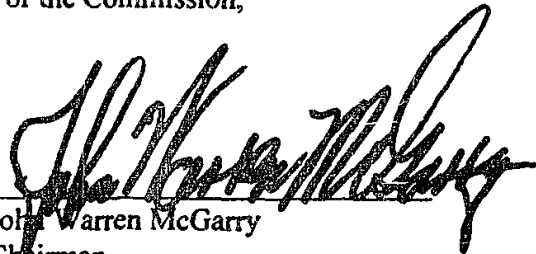
TO: American Defense Foundation/American Defense Institute
c/o Mark Braden, Esq.
Baker & Hosteltler
1050 Connecticut Ave., N.W.
Suite 1100
Washington, D.C. 20036-5304

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

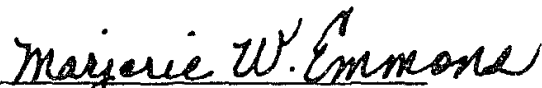
Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this 11th day of February 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachments
Interrogatories and Request for Documents

SEP 04 1997 4:50 PM

INSTRUCTIONS

In answering the enclosed interrogatories and the request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1992 through the pendency of this matter.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, political committee or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses, the telephone numbers, the present occupation or position of such person, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"Communication(s)" or "communicated" encompasses both oral and written communications, including phone calls, meetings, correspondence, notes or memos, and electronic mail messages.

INTERROGATORIES

1. a. State whether the attached candidate questionnaires (Attachment 1) were mailed to military voters in Idaho, Ohio, Oregon, North Carolina, South Carolina and Wisconsin in the form provided.
b. Identify any other materials mailed with the attached 1992 candidate questionnaires and all persons involved in writing, producing and distributing the questionnaires, including consultants, vendors and independent contractors. Describe the role of each person identified. State whether ADI or ADF paid for all production and distribution costs and provide the total amounts paid.
2. State whether the candidate questionnaires represented at Attachment 1 were the only candidate questionnaires distributed by the American Defense Institute and/or the American Defense Foundation in 1992. If not, identify the candidates to whom other candidate questionnaires were sent.
3. Identify all persons involved in creating, producing and distributing the video Public Service Announcement ("PSA") referenced in the attached October 22, 1992 letter signed by John K. Isaf (Attachment 2), including consultants, vendors and independent contractors. Describe the role of each person identified. State whether ADI or ADF paid for the production and distribution costs and provide the total amounts paid. If ADI or ADF did not pay for the production and distribution costs, state who did and the amounts paid.
4. Identify all persons involved in writing, producing and distributing the direct mailing sent to Georgia military voters by American Defense Institute/American Defense Foundation concerning the 1992 Georgia runoff, including consultants, vendors and independent contractors. Describe the role of each person identified. State whether ADI or ADF paid for all production and distribution costs and provide the total amounts paid. If ADI or ADF did not pay for the production and distribution costs, state who did and the amounts paid.
5. Identify all persons involved in writing and producing the radio ad concerning the 1992 Georgia runoff election which was aired on Georgia radio stations in November 1992. Describe the role of each person identified. State whether ADI or ADF paid for all production costs for the ad and provide the total amount paid. If ADI or ADF did not pay for the costs, state who did and the amounts paid.
6. Identify all persons involved in writing, producing and distributing the video PSA sent to Georgia military bases in 1992 as described in the attached newsletter produced by ADF (Attachment 3). Describe the role of each person identified. State whether ADI or ADF paid for all production and distribution costs and provide the total amounts paid. If ADI or ADF did not pay for the production and distribution costs, state who did and the amounts paid.
7. State when Wes Anderson began working as an intern at ADI or ADF and when his association with ADF or ADI ended. State the total amount of stipend, salary or other form of compensation or remuneration paid to him during this period.

8. State whether Curt Anderson worked as a consultant for ADI or ADF in 1994. If so, state the length of his employment, describe his role and state the total amount of salary or other compensation paid to him.
9. Provide the Illinois address where the Department of Defense sent the magnetic tape responsive to ADI's October 2, 1992 Freedom of Information Act request as noted in Attachment 4. Identify the vendor or other person to whom the tape was mailed.
10. Describe the work performed by Focus Direct, San Antonio Texas, in connection with the ADF/ADI's 1993 get-out-the-vote activities for the Texas special election for U.S. Senate. See Attachment 5.

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PRODUCTION OF DOCUMENTS

1. If the 1992 candidate questionnaires comprising Attachment 1 were not mailed in the form provided, produce copies of the questionnaires actually mailed.
2. Produce a copy of the video Public Service Announcement ("PSA") referenced in Attachment 2 or a script of the video, and all documents relating to the production of the video, such as invoices, checks, and correspondence.
3. Produce a copy of the video Public Service Announcement sent to Georgia military bases in 1992 as described in Attachment 3, or a script of the video, and all documents relating to the production of the video, such as invoices, checks, and correspondence.
4. Produce all invoices, checks, contracts or other agreements with all vendors, consultants and other persons who performed work in connection with the 1992 candidate questionnaire and other materials mailed to voters with the questionnaire, the 1992 Georgia runoff mailing, and the video PSAs referenced in Interrogatories 3 and 6.